

COMMISSIONERS PROCEEDINGS
MARCH 2, 2004
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stanton and Pridemore present. Commissioner Morris, Chair, absent.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

Speaker #1

Darlene Johnson, Woodland Chamber of Commerce, 39016 NW Goose Hill Road, Woodland, stated that the Resolution regarding the Cowlitz MOU does not reflect what was voted on. She said the Woodland Chamber of Commerce has gone on record that they've not had time to take a vote as opposed to the granting of trust land or reservation land status in the location that the Cowlitz Tribe is requesting.

Speaker #2

Margaret Tweet, had comments regarding the safety of our youth. At the February 9, 2004 meeting of the Fort Vancouver Regional Library, she asked if they would be willing to consider porn free library internet policies like those of Tacoma, Wenatchee, San Diego, Alaska, etc. The Board Chair responded that they had considered those approaches, but decided FVRL planning instead. Tweet suggested that all Library Board meetings be televised so that citizens could be better informed. She said that the Constitution does not mandate publicly funded agencies, including libraries, to provide pornography to citizens. Ms. Tweet said that in San Diego both the City County and County Commission directed their appointed library boards to filter out pornography in the libraries shortly after citizens raised concerns and the Children's Internet Protection Act was passed. She said that Fort Vancouver Regional Library has hard core, and even illegal pornography, available for minors 13 years of age and older. In the future, hard core and illegal pornography will be available to those 17 years of age and older. She said that a sign urges patrons not to access available illegal materials. Ms. Tweet said she believes that a public library that serves youth is not the place to make pornography available to anyone, especially illegal child pornography. She said that FVL Associate Director, Candice Morgan, was asked in federal court the following question – "There are rules against patrons accessing illegal speech on the internet. How do you go about enforcing that rule?" She said Ms. Morgan's answer was that it is the patron's responsibility. Ms. Morgan also answered that it would be impossible to monitor because of the recessed monitors. Ms. Tweet said that if it is illegal to monitor illegal materials because of expensive recessed monitors then the library should

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switch to desktop monitors, which are visible to those with vision impairments. Ms. Tweet said she feels that the library and the Board of Commissioners need to take more responsibility.

Speaker #3

Don Bohlin, 32934 SE 20th Street, Washougal, said that until the last meeting regarding the Cowlitz Tribe MOU, he was not sure if the Board fully understood the impact of having an agreement that which would negate a lot of the regulations that others would have to abide by. He said he did feel hopeful when Commissioner Pridemore made the statement that he was not for it and did understand the environmental impacts, etc. Mr. Bohlin stated that he is disappointed that what the MOU states is not what he heard at the meeting and he doesn't know what to do about it.

Pridemore asked Mr. Bohlin what changes he would propose.

Bohlin said he would propose the original MOU. He said that he has concerns about the impact on the environment. Mr. Bohlin said you can work around the north fork of the Lewis [River], but if you have that much blacktop then there's going to be a runoff to the Lewis River.

Stanton said there is some confusion about the environmental regulations. Stanton referenced Mr. Bohlin's statement about blacktop, and stated that there is no application in front of the Board regarding development in the area. She said what the Board is talking about in the MOU is an agreement about how the county, as well as other jurisdictions that provide services to the property, would be compensated should development occur. Stanton said they would be required to meet federal law under SEPA. Also, the Cowlitz Tribe has agreed to have their development meet current county standards for environmental review.

Bohlin said he believes that the Board needs to look into the future of what the plans are. He said he believes that a statement was made that the Cowlitz Tribe does not have to abide by the counties long range plan.

Pridemore said he believes the environmental issue is covered in the MOU and he was glad that the county went through the process of developing a MOU with the Tribe. He said a lot of the things he said at last week's hearing are argumentative and not appropriate to put in the resolution, although he still feels that way. He said the resolution as it currently is has the factual information that the entire Board agreed was appropriate for the resolution. He said the rest of the issues will need to be discussed with the BIA as the process moves forward.

Bohlin asked if the resolution and MOU are one in the same.

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Pridemore said he is hopeful that they will be addressed together.

Stanton said the resolution adopts the MOU formally.

Bohlin said it was his understanding that in addition to the resolution, a cover letter of some kind would be added.

Pridemore said that it does not have a cover letter at this time. He said this is not the document that would be forwarded to BIA.

Bohlin asked if there have been changes to the MOU.

Pridemore said there have not been any changes in the last couple of weeks. Any changes to the MOU would need to go back for negotiations and discussions.

Bohlin said he wanted it to be as strong as possible and he didn't consider what he had read to be very strong.

Pridemore said that they do not normally make the resolutions perhaps as strong as they might speak.

Stanton said part of the frustration last week was a lot of the decisions that they are complying with are made at the federal and state level. For example, the board does not have the ability to say that the Tribe has to comply with our Comprehensive Land Use Plan for example. That is something that has been federally determined. She said the county got through the MOU as close as expected.

Bohlin said that he believes the MOU has a lot of credence when they go to apply for it. He said that he understands the board's position.

Pridemore said that he believes the MOU is the best that could have been negotiated. He said it would have been inappropriate within the resolution for him to add his personal opinions. Therefore, it was crafted as statements of fact. He said the very last clause states that it could potentially adversely affect existing business. *Pridemore* said there was conflicting information as to whether that was true, so "could" is a matter of fact.

COSENT AGENDA

There being no public comment, **MOVED** by *Pridemore* to approve items 1 through 18. Commissioners *Stanton* and *Pridemore* voted aye. Motion carried. (See Tape 83)

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The Board of County Commissioners' adjourned and convened as the Board of Health.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Pridemore to approve consent agenda items 1 through 3. Members Stanton and Pridemore voted aye. Motion carried. (See Tape 83)

Adjourned

BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris, Chair

Judie Stanton/s/
Judie Stanton, Commissioner

Craig A. Pridemore/s/
Craig A. Pridemore, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

tr/rt